

REMARKS

Claims 4-8, 25-29, and 41-44 were pending in the application. Claims 45-48 have been added. Accordingly, claims 4-8, 25-29, and 41-48 remain pending subsequent entry of the present amendment.

PRIORITY

Examiner's priority objection has been addressed by the amendment to page one of the specification shown above.

DRAWINGS

Examiner's objection to the drawings has been addressed by the amendment to page 15 of the specification noted above. In particular, the reference numeral 156 has been deleted.

35 U.S.C. § 103 REJECTIONS

In the present Office Action dated October 20, 2005, claims 4-8, 25-29, 41, and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Using Netscape 2"), in view of U.S. Patent No. 5,724,574 (hereinafter "Stratigos"), and further in view of U.S. Patent No. 5,572,643 (hereinafter "Judson"). Applicant respectfully traverses these rejections and requests reconsideration in view of the following discussion.

Applicant submits that each of the independent claims recite features neither disclosed nor suggested by the cited art. For example, claim 4 recites a method which includes:

“presenting said first electronic mail message to said operator;
identifying a second one of said electronic mail messages for preloading;
preloading said second electronic mail message for later presentation, without
interrupting presentation of said first electronic mail message; and
presenting to said operator a status of said step of preloading said second
electronic mail message.”

On pages 4-5 of the present Office Action, the examiner states:

“Brown discloses . . . presenting said first electronic mail message to said operator . . . Brown in view of Stratigos fails to disclose presenting to said operator a status of said step of preloading said second electronic mail message . . . In an analogous art, Judson discloses presenting to an operator a status of preloading a second electronic message (see column 6, lines 35-39, where the inline message is shown as the hypertext document is being downloaded using the status bar from Fig. 5). The document in Fig. 5 is preloading as a user is shown a welcome screen shown in Fig. 8.”

However, Applicant submits the disclosure of Judson is not equivalent to the above recited features. First, Applicant submits that the status bar of Judson’s FIG. 5 does not present “to said operator a status of said step of preloading said second electronic mail message” as recited. Rather, Judson discloses showing a status of the loading of the current page itself. More specifically, the text in the status bar of FIG. 5 reads “Transferred 6656/18318 bytes (36%) of inline image lehman4.gif”. Applicant submits that lehman4.gif is part of the currently selected web page (first message) of FIG. 5. Accordingly, were one to make the combination as suggested by the examiner, one might simply receive a status as to the loading of the currently selected (first) email message – and not a status of the preloading of a different (second) message for later presentation. In addition, Judson discloses:

“FIG. 4 shows the browser navigation tool prior to download of the U.S. Patent and Trademark Office page (available at <http://www.uspto.gov>). FIG. 5 shows the web page as it exists on the display. This web page has various links including “Welcome to the United States Patent and

Trademark Office." FIG. 6 shows the HTML source code used to generate the web page of FIG. 5, and FIG. 7 shows this source code modified to include an information object 75 within a comment tag. This object displays the message "The PTO Welcomes You" when the "Welcome to the United States Patent and Trademark Office" link is activated. FIG. 8 shows the effect of this information object when the routine of FIG. 3 is carried out." (Judson, column 6, lines 13-25).

Therefore, Judson's web page of FIG. 5 may contain various links which may be selected to cause a second web page to be loaded. During the loading of a selected web page, Judson's information object may cause a display such as the one illustrated in FIG. 8. However, Applicant believes it is clear that the display of FIG. 8 is not equivalent to a status of preloading a message for later presentation.

Accordingly, Applicant submits that claim 4 is patentably distinguishable from the cited art for at least the above reasons. As each of independent claims 25, 41, and 43 include limitations similar to those of claim 4, each of claims 25, 41, and 43 is believed patentably distinguishable from the cited art for similar reasons. Likewise, each of dependent claims 3-8, 26-29, 42, and 44 is believed patentably distinguishable from the cited art for at least the above reasons as well.

In addition to the above, claim 4 recites a method which includes "preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message." On page 4 of the present Office Action, the examiner states that these features are disclosed by Stratigos in the following:

"While working on each image file (Step 304), the remote user occupies very little of the workstation processor time. For example, while the user is typing data that is relevant to the first image into the workstation, the majority of the processor time is spent waiting for the next character to be typed. This time can be utilized, in part, for decompressing the next image file (Step 306) so that the next image will be available for viewing when the remote user finishes working on the first image." (Stratigos, col. 6, lines 18-26, emphasis added).

However, Applicant submits that decompressing an image file is not the same as preloading the image file. Further, Applicant notes that the examiner suggests one would be motivated to use the above features of Stratigos "in order to reduce the cost of transmission when accessing a series of documents (Stratigos, col. 2 lines 62-64)." However, the cited teachings concerning use of processor idle times to decompress images are not directly related to the described transmission costs of Stratigos. Decompressing the file during processor idle time is performed at the remote workstation subsequent to transmission, and hence itself does not reduce the cost of transmission. Accordingly, Applicant does not understand the examiner's comments with regard to these features. In any event, Applicant finds no teaching or suggestion in Stratigos of preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.

Also, Applicant submits that new claim 45 recites features that are neither disclosed nor suggested by the cited art. For example, on page 3-4 of the present Office Action regarding claims 4, 25, 41, and 43, the examiner states that Brown discloses "identifying a second one of said electronic mail messages for preloading (see page 369, Fig. 14.15, where a second message is identified as shown by the multiple messages in the summary window." However, it is noted that the method of claim 45 includes:

"automatically identifying a second one of said electronic mail messages
for preloading;
preloading said second electronic mail message for later presentation,
without interrupting presentation of said first electronic mail
message;"

It is noted that the second one of said electronic mail messages is automatically identified and subsequently preloaded. Applicant submits that Brown neither teaches nor suggests these features. In contrast, Brown discloses a mailbox window in which a list of message headers is displayed. When a user selects one of these message headers, it is highlighted in the mailbox window (Brown, page 369, Fig. 14.15). However, as is well known to users of computer window interfaces, selection of one of these message headers requires a user input, such as clicking a mouse or tabbing from one list element to the next.

Applicant finds no teaching or suggestion in Brown of automatically identifying a second one of said electronic mail messages for preloading or preloading the second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.

Accordingly, Applicant submits that claim 45 is patentably distinguishable from the cited art for at least the above reasons. As independent claims 46-48 include features similar to those of claim 45, each of claims 46-48 is believed patentably distinguishable from the cited art for at least these reasons as well.

DOUBLE PATENTING

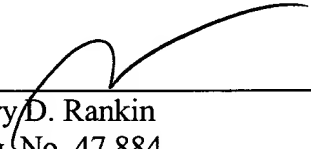
In the Office Action of 10/20/2005, claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,377,978, in view of Judson et al (US 5,572,643). However, as discussed above, Applicant submits Judson does not disclose the features for which it is offered and does not render the claims obvious. Accordingly, submission of a terminal disclaimer is not believed necessary or appropriate.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5957-13101/RDR.

Respectfully submitted,



Rory D. Rankin
Reg. No. 47,884
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

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